



**MINUTES OF THE PUBLIC HEARING OF  
MONDAY, OCTOBER 6, 2014  
AT 200 HIGHLANDS BOULEVARD DRIVE  
REGARDING A SPECIAL USE PERMIT REQUEST  
FOR A RESTAURANT WITH DRIVE-THROUGH AT  
14432 AND 14444 MANCHESTER ROAD**

Mayor David L. Willson called the Public Hearing of the Board of Aldermen to order at 7:00 p.m.

Roll call showed those present were Alderman Clement, Alderman Stevens, Alderman Hamill, Alderman Ottenad, Alderman Schrader, Mayor Willson and Attorney Gunn. Alderman Diehl was absent. A quorum was present.

The following notice of the public hearing was then read:

“The City of Manchester Board of Aldermen shall hold a public hearing on Monday, October 6, 2014 at 7:00 p.m. at the Manchester Police Facility, 200 Highlands Boulevard Drive, to consider the following:

CASE #14-SUP-08 – A request is made by Mr. Dan Siemer to construct and operate a Culver’s Family Restaurant with a drive-through at 14432 & 14444 Manchester Road. The property is zoned PBD Planned Business District.”

Mayor Willson stated that first we would hear from the proponents, then the opponents, comments from the public and comments from the Board of Aldermen.

Mr. Eric Kirchner stated he was at the meeting representing Mr. Dan Siemer. He said they are requesting the Special Use Permit for a drive-through Culver’s Restaurant. The site contains two partials totaling 1.278 acres. He stated the access for the site will be one full access point on the eastern side of the property and it has been coordinated with the Missouri Department of Transportation (MoDOT), which has given their blessing with putting in a median in middle of Manchester Road. He said the trash enclosure is in the southeast corner of the site. Mr. Kirchner said all the HVAC equipment will be screened according to the City Code. The differential runoff is less than two cubic feet per second; therefore, detention is not provided because it is not required to follow Metropolitan Sewer District (MSD) requirements, but they will be providing water quality cleaning measures.

Mr. Kirchner stated the existing entrance on the western portion of the site will be closed and replaced with brick pavers to create a uniform sidewalk through the area. They are also providing a brick paver connection from the existing sidewalk along Manchester Road down to the

building so pedestrians can get from Manchester Road to the facility by walking across the crosswalk to the door. The site plan requires 40 parking spaces, and actually they have planned 53 spaces on the plan they provided. Mr. Kirchner said the lighting meets requirements; the landscaping meets the City requirements, and they have added a hedge grove to break up lights going through the drive-through westward.

Mr. Kirchner stated the facility will have a patio area on the south side of the building. All masonry columns will be matching the building. Deliveries will always be before they are open for business in the morning. He said they have reviewed the conditions set by the Planning and Zoning Commission which are in the Special Use Permit, and they have no issues with those conditions.

Alderman Ottenad asked how many people the inside seating will accommodate.

Mr. Dan Siemer answered that inside it will accommodate 80 individuals; and outside, 30 on the patio. He stated they plan to open mid-summer next year. They need to finish building drawings and work through some of the other details.

Mr. Ken Aston stated he is a 15 year business owner in the City. He started the Henry Avenue Historic District, and he housed his office at 211 Henry. He is a supporter of preserving historic structures in the City of Manchester. Mr. Aston stated that he was the past vice chair of the Historic Review Commission, and he referred to the building on the property proposed for the new Culver's as the Staebell Hotel and Saloon. He said the building is in very good condition, and he is opposed to this zoning.

Mr. Aston stated that the south side of Manchester Road, known as the City's Historic District, stretches from the Lyceum heading west on Manchester Road to the Staebell Hotel and Saloon, which is the last building in the district. Mr. Aston said you can see the City's slogan "A Proud Past, A Bright Future" all over the City and the Staebell Hotel and Saloon is a perfect example of Manchester's historic past. He said replacing that building with a Culver's is not going to add to a bright future.

Mr. Aston stated there have been several attempts by different users to buy that property and tear it down. He said the first one that he can recall was the Georgia Carpet Outlet and the Manchester citizens came out and defeated it. The former Board of Aldermen recognized the historical site. He was glad they defeated it because Georgia Carpet went down the street and the building is now vacant. Mr. Aston said this building has survived many businesses. After Georgia Carpet's attempt failed, Dunkin Donuts tried. He said that Dunkin Donuts was previously in the City at the site where Gabi's Liquor is now.

Mr. Aston stated if you look directly across the street from the Staebell Hotel and Saloon, there is a vacant restaurant building, which started as a Black Eyed Pea, then it became Chili's, and it is now vacant. Mr. Aston said the north side of Manchester Road has a different culture of buildings. He said if this Board allows a fast food restaurant at this end of the City, he believes they are setting a dangerous precedence. He said he thinks that Culver's won't be the only fast-food restaurant that will be trying to come in.

Mr. Aston advised that Mr. Esley Hamilton, the County Preservationist, is very much against this Special Use Permit. The timing of this public meeting coincides with the State's Preservation Conference which is in Excelsior Springs this week and he couldn't attend. He added

that the former chairman of the Historic Review Commission, Mr. Thom Kuntzman, also could not attend.

Mr. Aston stated the median income for Manchester citizens is \$76,000 annually; the annual salary for a Culver's employee is \$21,000. He said he has a letter that was drafted by Thom Kuntzman from the Missouri Alliance for Preservation and he wants this letter admitted into the minutes of this meeting, that letter is attached to these minutes and marked "Exhibit A". Mr. Aston said it is a wrong decision to put a fast food restaurant at that site; if the Board allows it, there will be a collapse of the historic buildings along Manchester Road.

Alderman Clement stated the Planning and Zoning Commission unanimously approved both cases, the site plan, as well as the Special Use Permit, for the drive-through.

Mayor Willson closed the public hearing at 7:15 p.m.

Respectfully submitted,

Ruth E. Baker, MMC/MRCC-S  
City Clerk

***Note:** This is a journal of the Public Hearing held October 6, 2014 regarding the Special Use Permit Request for a restaurant with drive-through at 14432 and 14444 Manchester Road, (summary); not a verbatim transcript. If a recording of the public hearing is desired, please contact City Hall.*





**MINUTES OF THE REGULAR BOARD OF ALDERMEN MEETING  
OF MONDAY, OCTOBER 6, 2014  
AT 200 HIGHLANDS BOULEVARD DRIVE**

1. CALL TO ORDER

Mayor David L. Willson called the Regular Board of Aldermen meeting to order at 7:15 p.m.

2. ROLL CALL AND STATEMENT OF QUORUM

Roll call showed those present were Alderman Clement, Alderman Stevens, Alderman Hamill, Alderman Ottenad, Alderman Schrader, Mayor Willson and Attorney Gunn. Alderman Diehl was absent. A quorum was present.

3. APPROVAL OF THE MINUTES

a. Minutes of the September 15, 2014 Public Hearing regarding the 2014 Property Tax Levy

Alderman Hamill made the motion to approve the Minutes of the Monday, September 15, 2014, Public Hearing regarding the 2014 Property Tax Levy. The motion was seconded by Alderman Schrader and carried unanimously, without objection.

b. Minutes of the Monday, September 15, 2014 Regular Board of Aldermen meeting

Alderman Clement and Alderman Hamill simultaneously made the motion to approve the Minutes of the Monday, September 15, 2014, Regular Board of Alderman Meeting. The motion was seconded by Alderman Ottenad and carried unanimously, without objection.

4. ESTABLISHMENT OF ORDER OF ITEMS ON THE AGENDA

Alderman Hamill approved the Order of Items on the Agenda, as presented. The motion was seconded by Alderman Clement and carried unanimously, without objection.

5. CONSIDERATION OF PETITIONS AND COMMENTS FROM THE PUBLIC

a. Tasting Permit Addition to Walmart's Liquor License

Alderman Clement made the motion to approve the tasting permit addition to Walmart's Liquor License. The motion was seconded by Alderman Ottenad and carried unanimously, without objection.

b. Comments from the Public

Ms. Pauline Bair, 305 Morewood Drive, asked about outstanding lawsuits.

City Attorney Patrick R. Gunn answered there are no outstanding lawsuits.

Ms. Bair stated she was just at Culver's in Fenton last week and she doesn't consider it to be a fast food restaurant; they were very pleased. She said she has spoken to quite a few residents and they are happy to see Culver's coming in.

Mr. Rick Randall, Senior Vice President of Pace Properties, spoke in reference to a situation with signage on the buildings on the north side of Manchester Highlands. He spoke about a court summons in regard to an illegal sign on Manchester Highlands Boulevard and requested that Mr. Sedgwick not be required to appear. Mr. Randall stated that there was a meeting recently with individuals from Pace Properties and the City, and he wanted to advise that they have had difficulty leasing those buildings on the north side, and they would like a larger sign. Mr. Randall stated he would like to work on a way to get that larger sign along Route 141 approved. The people who physically built that development are no longer with the company.

City Attorney Patrick Gunn said he was present at that meeting which was very productive. He wanted to caution the Board since this is in front of the Court, not to interfere with the judicial process.

There was a discussion about illegal signs and staff's duties of enforcing the Ordinances.

Alderman Hamill asked where they would like to build a new sign on Highway 141.

Mr. Randall stated the sign is on Mr. Kroenke's property and he won't give them the right to enter their property.

6. REPORTS FROM THE MAYOR

a. Announcement of Recently Promoted Police Lieutenant

Chief of Police Timothy Walsh stated that Sergeant Craig Smith has been promoted to Police Lieutenant. He said Craig came to Manchester at the age of 17 as a Police Explorer, and he graduated from the St. Charles Police Academy in June, 1997. Chief Walsh stated that Craig has performed many duties for the police department, including uniformed patrol years, the Detective Bureau, Major Case Squad, and he is a computer voice stress examiner. He also was promoted out of the Detective Bureau and worked as Squad Sergeant. On September 15 he was promoted to Lieutenant.

b. Mayoral Report

Mayor Willson reported on September 17, he attended the Homecoming wrap up. He had a subdivision meeting with Alderman Schrader and Lieutenant Smith in Big Bend Woods; he attended the employee meeting on September 25 in regard to new changes in health insurance, and attended the Municipal League meeting in Shrewsbury with Rick Stream as the speaker. On September 26, Mayor Willson attended the Autumn Acoustics event, he attended the staff meeting on October 2, and on October 4, he, along with City Administrator Hixson, attended the Clean Stream, and there were two dump trucks filled.

Mayor Willson presented City Clerk Ruth Baker with a Proclamation for attaining her MMC, Master Municipal Clerk designation through the International Institute of Municipal Clerks.

7. REPORTS FROM THE CITY ADMINISTRATOR

a. Budget Meetings

City Administrator Hixson stated budget meetings start next week. They will only be discussing items over \$5,000. He said if there are any questions with items under \$5,000 please contact him or Director of Finance Tuberty.

b. List of Paid Bills (Warrant dates of September 15 – October 3, 2014)

There were no questions.

8. REPORTS FROM COMMITTEES

a. Planning and Zoning Commission

Alderman Clement stated the former Planning and Zoning Director has been gone for several weeks. There is a meeting coming up on Monday with one item on the agenda.

b. Homecoming Committee

Alderman Ottenad stated they held their post-homecoming meeting to discuss what they need to change and they found out some interesting facts. She said that for both days at the Doggie Paddle Party, they made \$3,059, and out of that amount, the Circle of Concern will receive \$638 and Shop-With-A-Cop will receive \$638. She spoke about the car show only having 23 cars in it because of the bad weather. Last year there were 78 cars in the show; there were many calls about the show, but with the rain, it was really disappointing. Alderman Ottenad stated they have thought of bringing back arts and crafts vendors.

c. Manchester Arts

Alderman Stevens said the Board did not meet, but they will continue meetings on October 15. The Arts Council will meet tomorrow evening; Bill Vivrett will have a discussion explaining the process and the journey he went on.

9. ACTION ON OLD BILLS

a. BILL # 14-2202 – AN ORDINANCE AUTHORIZING RELEASE OF ESCROW FOR VILLAS AT HANNA BEND

Alderman Stevens read for the second time Bill # 14-2202, entitled: "AN ORDINANCE AUTHORIZING THE CITY ADMINISTRATOR OF THE CITY OF MANCHESTER TO RELEASE ALL FUNDS GUARANTEEING CERTAIN IMPROVEMENTS TO THE PROPERTY AT 1010 HANNA ROAD AND 909, 911, 915, AND 919 BIG BEND ROAD, NOW KNOWN AS VILLAS AT HANNA BEND, AND ACCEPTING THE DEDICATION OF CERTAIN RIGHT-OF-WAY WITHIN THE VILLAS AT HANNA BEND, AS MORE SPECIFICALLY SHOWN ON EXHIBIT "A" ATTACHED HERETO", by title only.

Alderman Stevens made the motion that Bill # 14-2202 become Ordinance # 14-2088. The motion was seconded by Alderman Clement.

A poll of the Board showed:

Alderman Schrader – aye  
Alderman Ottenad – aye  
Alderman Clement – aye  
Alderman Stevens – aye  
Alderman Hamill – aye  
Alderman Diehl – absent

Mayor Willson announced the motion passed 5 – 0 with no objections and one absentee.

#### 10. INTRODUCTION OF NEW BILLS

##### a. RESOLUTION APPROVING PURCHASE OF ELECTRONIC TICKETING SYSTEMS FOR USE BY THE POLICE DEPARTMENT

Alderman Hamill read Proposed Resolution # 14-0505, entitled: "A RESOLUTION AUTHORIZING THE CITY ADMINISTRATOR OF THE CITY OF MANCHESTER TO EXPEND AN AMOUNT NOT TO EXCEED TWELVE THOUSAND SEVEN HUNDRED DOLLARS AND TWENTY-TWO CENTS (\$12,700.22) FROM ASSET FORFEITURE FUNDS, INCLUDING A THREE PERCENT (3%) CHANGE ORDER IN THE AMOUNT OF THREE HUNDRED SIXTY-NINE DOLLARS AND NINETY CENTS (\$369.90) TO ALLOW FOR SHIPPING, UNFORESEEN EXPENSES AND/OR PRICE INCREASES, FOR THE PURCHASE OF EIGHT (8) ELECTRONIC TICKETING (E-TICKETING) SYSTEMS ALONG WITH OPERATIONALLY NECESSARY HARDWARE AND SUPPLIES TO EQUIP EIGHT (8) MARKED POLICE VEHICLES WITH ADVANCED MOBILE E-TICKETING PRINTERS AND DRIVER LICENSE SCANNERS AND TO ISSUE PURCHASE ORDERS TO APPROPRIATE VENDORS THEREFOR", by title only.

Alderman Ottenad referred to the quote which was shown to be valid until August 31, 2014. She asked the reason for the delay. She asked about shipping charges.

Sergeant Ed Skaggs stated the quote was updated and the price is good. He stated that the shipping costs are unknown.

Alderman Ottenad referred to another item on the Agenda that stated the purchase included shipping, and Sergeant Skaggs responded that they added the 3% to cover shipping costs or price increases.



Alderman Ottenad said if the quote is good she doesn't know why there would be a difference in price.

Sergeant Skaggs stated he is not anticipating a price increase.

Chief of Police Timothy Walsh stated that sometimes when they speak of weight and postage, if there is a need for different equipment to load and unload, there are different costs, and often those fees are not known until the items are delivered.

In answer to Alderman Clement's question about what a driver's license scanner does, Chief Walsh said the information from the driver's license is populated onto the traffic ticket, so the courts can read it instead of figuring out handwriting. It manually puts the information in the Police computer system and saves jobs in the office.

Alderman Stevens said if there is an increase, she wanted to verify that it would only be due to the items listed on the Resolution.

Chief Walsh said all they are planning to buy is what is on the list.

Alderman Hamill made the motion that Resolution # 14-0505 be approved. The motion was seconded by Alderman Clement, and carried with no objections.

**b. RESOLUTION APPROVING PURCHASE OF HAND-HELD RADAR UNITS AND ACCESSORY FOR USE BY THE POLICE DEPARTMENT**

Alderman Hamill read Proposed Resolution # 14-0506, entitled: "A RESOLUTION AUTHORIZING THE CITY ADMINISTRATOR OF THE CITY OF MANCHESTER TO EXPEND AN AMOUNT NOT TO EXCEED TWO THOUSAND, FIVE DOLLARS AND THIRTY-SEVEN CENTS (\$2,005.37) FROM ASSET FORFEITURE FUNDS, INCLUDING A THREE PERCENT (3%) CHANGE ORDER IN THE AMOUNT OF FIFTY-EIGHT DOLLARS AND FORTY CENTS (\$58.40) TO ALLOW FOR SHIPPING, UNFORESEEN EXPENSES AND/OR PRICE INCREASES, FOR THE PURCHASE OF TWO HAND-HELD RADAR UNITS AND ONE RECHARGEABLE HANDLE KIT FROM GALLS, INCORPORATED TO ENHANCE THE POLICE DEPARTMENT'S ABILITY TO MONITOR MOTOR VEHICLE SPEEDS ON MUNICIPAL ROADWAYS WITHIN THE CITY", by title only.

Alderman Hamill made the motion that Resolution # 14-0506 be approved. The motion was seconded by Alderman Clement, and carried with no objections.

**c. RESOLUTION APPROVING PURCHASE OF TASER WEAPONS, HARDWARE AND SUPPLIES FOR USE BY THE POLICE DEPARTMENT**

Alderman Schrader read Proposed Resolution # 14-0507, entitled: A RESOLUTION AUTHORIZING THE CITY ADMINISTRATOR OF THE CITY OF MANCHESTER TO EXPEND AN AMOUNT NOT TO EXCEED FIVE THOUSAND NINE HUNDRED SIXTY-ONE DOLLARS AND THIRTY-THREE CENTS (\$5,961.33) FROM ASSET FORFEITURE FUNDS, INCLUDING A THREE PERCENT (3%) CHANGE ORDER IN THE AMOUNT OF ONE HUNDRED SEVENTY-THREE DOLLARS AND SIXTY-THREE CENTS (\$173.63) TO ALLOW FOR UNFORESEEN EXPENSES AND/OR PRICE INCREASES, FOR THE PURCHASE OF FOUR TASER X2 NON-LETHAL WEAPONS ALONG WITH

OPERATIONALLY NECESSARY HARDWARE AND SUPPLIES FROM TASER INTERNATIONAL”, by title only.

Alderman Ottenad stated this is another purchase that has an expired quote. She asked that in the future the Board receive the correct papers showing the quote has not expired.

Alderman Schrader made the motion that Resolution # 14-0507 be approved. The motion was seconded by Alderman Clement, and carried with no objections.

d. RESOLUTION APPROVING PURCHASE OF PLAYGROUND EQUIPMENT FOR SCHROEDER PARK

Alderman Ottenad read Proposed Resolution # 14-0508, entitled: “A RESOLUTION ACCEPTING THE BID OF NUTOYS LEISURE PRODUCTS, INC. IN AN AMOUNT NOT TO EXCEED TWENTY-FOUR THOUSAND EIGHT HUNDRED ONE DOLLARS (\$24,801.00) FOR THE PURCHASE OF PLAYGROUND EQUIPMENT FOR PAUL SCHROEDER PARK,” by title only.

Alderman Ottenad made the motion that Resolution # 14-0508 be approved. The motion was seconded by Alderman Schrader, and carried with no objections.

e. RESOLUTION APPROVING STOECKER PARK ASPHALT PATH PROJECT

Alderman Ottenad read Proposed Resolution # 14-0509, entitled: “A RESOLUTION AUTHORIZING THE CITY ADMINISTRATOR OF THE CITY OF MANCHESTER TO ENTER INTO AN AGREEMENT WITH PRIDE-MASTER, INC. IN AN AMOUNT NOT TO EXCEED FOURTEEN THOUSAND TWO HUNDRED TWENTY-FIVE DOLLARS (\$14,225.00) FOR ALL TOOLS, LABOR, EQUIPMENT, MATERIALS, AND ALL WORK NECESSARY TO CONSTRUCT AN ASPHALT PATH IN STOECKER PARK”, by title only.

There was a discussion about the monetary shortfall for this project and the information that monies are available left over from other projects.

Director Collins answered Alderman Clements question that this project will pave the rock path at Stoecker Park.

Alderman Ottenad made the motion that Resolution # 14-0509 be approved. The motion was seconded by Alderman Hamill, and carried with no objections.

f. BILL CREATING A SPECIAL USE PERMIT FOR A DRIVE-THROUGH FAST-FOOD RESTAURANT

Alderman Schrader introduced Bill # 14-2203, entitled: “AN ORDINANCE CREATING A SPECIAL USE PERMIT AND GRANTING THE SAME TO VHSDPS RESTAURANTS, LLC. TO OPERATE A DRIVE-THROUGH FAST-FOOD RESTAURANT AT 14432 AND 14444 MANCHESTER ROAD, AS PROVIDED FOR IN SECTION 405.285(C)(11) OF THE CODE OF ORDINANCES OF THE CITY OF MANCHESTER”, by title only.

No further action at this time.

g. BILL APPOINTING DIRECTOR OF PLANNING, ZONING, AND ECONOMIC DEVELOPMENT

Alderman Clement introduced Bill # 14-2204, entitled: "AN ORDINANCE APPOINTING KATHLEEN ARNETT AS THE DIRECTOR OF PLANNING, ZONING AND ECONOMIC DEVELOPMENT FOR THE CITY OF MANCHESTER, ESTABLISHING A RATE OF PAY FOR THAT POSITION AND FURTHER, CONFIRMING THE DUTIES AND OBLIGATIONS OF THAT POSITION", by title only.

Alderman Clement made a motion for approval of emergency legislation. The motion was seconded by Alderman Hamill and carried 5 – 0, with no objections.

Alderman Clement read for the second time Bill # 14-2204, entitled: "AN ORDINANCE APPOINTING KATHLEEN ARNETT AS THE DIRECTOR OF PLANNING, ZONING AND ECONOMIC DEVELOPMENT FOR THE CITY OF MANCHESTER, ESTABLISHING A RATE OF PAY FOR THAT POSITION AND FURTHER, CONFIRMING THE DUTIES AND OBLIGATIONS OF THAT POSITION", by title only.

Alderman Clement made the motion that Bill # 14-2204 become Ordinance # 14-2089. The motion was seconded by Alderman Ottenad.

A poll of the Board showed:

Alderman Ottenad - aye  
Alderman Clement - aye  
Alderman Stevens - aye  
Alderman Hamill - aye  
Alderman Diehl – absent  
Alderman Schrader - aye

Mayor Willson announced the motion passed 5 – 0, with no objections and one absentee.

11. MISCELLANEOUS

a. Comments from the Public

There were none.

13. ADJOURNMENT

At 8:02 p.m., there being no further business, Alderman Clement made the motion to adjourn. The motion was seconded by Alderman Schrader and carried unanimously, without objection. The meeting adjourned at 8:02 p.m.

Respectfully submitted,

Ruth E. Baker, MMC/MRCC-S  
City Clerk

***Note:** This is a journal of the Board of Aldermen meeting held October 6, 2014 (summary); not a verbatim transcript. If a recording of the meeting is desired, please contact City Hall.*